

# Senate File 2122 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON STATE  
GOVERNMENT

(SUCCESSOR TO SSB 3118)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act making technical and corrective changes to the law  
2 relating to elections and voter registration and making a  
3 penalty applicable.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5418SV 82  
6 sc/nh/5

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1 1 Section 1. Section 2.27, Code Supplement 2007, is amended  
1 2 to read as follows:  
1 3 2.27 CANVASS OF VOTES FOR GOVERNOR.  
1 4 The general assembly shall meet in joint session on the  
1 5 same day the assembly first convenes in January of 1979 and  
1 6 every four years thereafter as soon as both houses have been  
1 7 organized, and canvass the votes cast for governor and  
1 8 lieutenant governor and determine the election. When the  
1 9 canvass is completed, the oath of office shall be administered  
1 10 to the persons ~~or person~~ so declared elected. Upon being  
1 11 inaugurated the governor shall deliver to the joint assembly  
1 12 any message the governor may deem expedient.  
1 13 Sec. 2. Section 43.4, unnumbered paragraph 4, Code 2007,  
1 14 is amended to read as follows:  
1 15 Within fourteen days after the date of the caucus the  
1 16 county central committee shall certify to the county  
1 17 commissioner the names of those elected as party committee  
1 18 members and delegates to the county convention. The  
1 19 commissioner shall retain caucus records for two years. In  
1 20 addition, within fourteen days after the date of the caucus,  
1 21 the chairperson of the county central committee shall deliver  
1 22 to the county commissioner all completed voter registration  
1 23 forms received at the caucus.  
1 24 Sec. 3. Section 43.5, Code 2007, is amended to read as  
1 25 follows:  
1 26 43.5 APPLICABLE STATUTES.  
1 27 The provisions of chapters 39, ~~39A~~, 47, 48A, 49, 50, 51,  
1 28 52, 53, 57, 58, 59, 61, 62, 68A, and 722 shall apply, so far  
1 29 as applicable, to all primary elections, except as hereinafter  
1 30 provided.  
1 31 Sec. 4. NEW SECTION. 43.31 FORM OF OFFICIAL BALLOT ==  
1 32 IMPLEMENTATION BY RULE.  
1 33 The state commissioner shall adopt rules in accordance with  
1 34 chapter 17A to implement sections 43.27 through 43.30, section  
1 35 43.36, sections 49.30 through 49.41, section 49.57, and any  
2 1 other provision of the law prescribing the form of the  
2 2 official ballot.  
2 3 Sec. 5. Section 43.77, subsection 4, Code 2007, is amended  
2 4 to read as follows:  
2 5 4. A vacancy has occurred in the office of senator in the  
2 6 Congress of the United States, ~~lieutenant governor~~, secretary  
2 7 of state, auditor of state, treasurer of state, secretary of  
2 8 agriculture, or attorney general, under the circumstances  
2 9 described in section 69.13, less than eighty-nine days before  
2 10 the primary election and not less than eighty-nine days before  
2 11 the general election.  
2 12 Sec. 6. Section 44.5, Code 2007, is amended to read as  
2 13 follows:  
2 14 44.5 NOTICE OF OBJECTIONS.  
2 15 When objections are filed notice shall ~~forthwith~~  
2 16 immediately be given to the affected candidate ~~affected~~

2 17 thereby, The notice shall be addressed to the candidate's  
2 18 place of residence as given in the certificate of nomination,  
2 19 stating that objections have been made to said the  
2 20 certificate, also stating. The notice shall include the time  
2 21 and place such of the hearing at which the objections will be  
2 22 considered. The hearing shall be held not later than one week  
2 23 after the objection is filed.

2 24 Sec. 7. Section 45.1, subsection 2, Code Supplement 2007,  
2 25 is amended to read as follows:

2 26 2. Nominations for candidates for a representative in the  
2 27 United States house of representatives may be made by  
2 28 nomination petitions signed by not less than the number of  
2 29 eligible electors equal to the number of signatures required  
2 30 in subsection 1 divided by the number of congressional  
2 31 districts. Signers of the petition shall be residents of the  
2 32 congressional district.

2 33 Sec. 8. Section 48A.2, subsection 5, Code Supplement 2007,  
2 34 is amended to read as follows:

2 35 5. "Voter registration form" means ~~an application the form~~  
3 1 ~~prescribed by the voter registration commission that shall be~~  
3 2 ~~completed by any person applying to register to vote and which~~  
3 3 ~~must be completed by any person registering to vote may be~~  
3 4 ~~used to make changes in an existing voter registration record.~~

3 5 Sec. 9. Section 48A.25A, subsection 1, Code Supplement  
3 6 2007, is amended to read as follows:

3 7 1. Upon receipt of an application for voter registration  
3 8 ~~by mail~~, the state registrar of voters shall compare the Iowa  
3 9 driver's license number, the Iowa nonoperator's identification  
3 10 card number, or the last four numerals of the social security  
3 11 number provided by the registrant with the records of the  
3 12 state department of transportation. To be verified, the voter  
3 13 registration record shall contain the same name, date of  
3 14 birth, and Iowa driver's license number or Iowa nonoperator's  
3 15 identification card number or whole or partial social security  
3 16 number as the records of the state department of  
3 17 transportation. If the information cannot be verified, the  
3 18 application shall be rejected and the registrant shall be  
3 19 notified of the reason for the rejection. If the information  
3 20 can be verified, a record shall be made of the verification  
3 21 and the application shall be accepted.

3 22 Sec. 10. Section 48A.37, subsection 1, Code Supplement  
3 23 2007, is amended to read as follows:

3 24 1. Voter registration records shall be maintained in an  
3 25 electronic medium. A history of local election participation  
3 26 shall be maintained as part of the electronic record for at  
3 27 least two general, primary, school, and city elections.  
3 28 Absentee voting shall be recorded for the previous two general  
3 29 and primary elections. Any person who cast a ballot that was  
3 30 accepted for counting shall be recorded as having voted,  
3 31 including ballots cast at the polls on election day, absentee  
3 32 ballots, and provisional ballots. A person whose ballot was  
3 33 not accepted for counting shall not be recorded as having  
3 34 voted. After each election, the county commissioner shall  
3 35 update telephone numbers provided by registered voters  
4 1 pursuant to section 49.77.

4 2 Sec. 11. Section 49.25, subsection 3, Code Supplement  
4 3 2007, is amended to read as follows:

4 4 3. The commissioner shall furnish to each precinct where  
4 5 voting is to be by paper ballot or optical scan ballot, rather  
4 6 than by voting machine, the necessary ballot boxes, suitably  
4 7 equipped with seals or locks and keys, and voting booths. The  
4 8 voting booths shall be approved by the board of examiners for  
4 9 voting ~~machines and optical scan voting~~ systems and shall  
4 10 provide for voting in secrecy. At least one voting booth in  
4 11 each precinct shall be accessible to persons with  
4 12 disabilities. If the lighting in the polling place is  
4 13 inadequate, the voting booths used in that precinct shall  
4 14 include lights. Ballot boxes shall be locked or sealed before  
4 15 the polls open and shall remain locked or sealed until the  
4 16 polls are closed, except as provided in section 51.7 or to  
4 17 provide necessary service to a malfunctioning portable ~~vote~~  
4 18 ~~tallying tabulating~~ device. If a ballot box is opened prior  
4 19 to the closing of the polls, two precinct election officials  
4 20 not of the same party shall be present and observe the ballot  
4 21 box being opened.

4 22 Sec. 12. Section 49.37, Code 2007, is amended by adding  
4 23 the following new subsection:

4 24 NEW SUBSECTION. 2A. The commissioner shall arrange  
4 25 federal and state offices on the ballot in the following  
4 26 order:

4 27 a. President of the United States.

4 28 b. United States senator.  
4 29 c. United States representative.  
4 30 d. Governor.  
4 31 e. Other elective state officers in the order in which  
4 32 they appear in section 39.9.  
4 33 f. District officers in the order in which they appear in  
4 34 sections 39.15 and 39.16.

4 35 Sec. 13. Section 49.53, subsection 1, Code Supplement  
5 1 2007, is amended to read as follows:  
5 2 1. The commissioner shall not less than four nor more than  
5 3 twenty days before the day of each election, except those for  
5 4 which different publication requirements are prescribed by  
5 5 law, publish notice of the election. The notice shall contain  
5 6 a facsimile of the portion of the ballot containing the first  
5 7 rotation as prescribed by section 49.31, subsection 2, and  
5 8 shall show the names of all candidates or nominees and the  
5 9 office each seeks, and all public questions, to be voted upon  
5 10 at the election. The sample ballot published as a part of the  
5 11 notice may at the discretion of the commissioner be reduced in  
5 12 size relative to the actual ballot but such reduction shall  
5 13 not cause upper case letters appearing in candidates' names or  
5 14 in summaries of public measures on the published sample ballot  
5 15 to be less than ninety percent of the size of such upper case  
5 16 letters appearing on the actual ballot. The notice shall also  
5 17 state the date of the election, the hours the polls will be  
5 18 open, the location of each polling place at which voting is to  
5 19 occur in the election, ~~the location of the polling places~~  
~~5 20 designated as early ballot pick-up sites,~~ and the names of the  
5 21 precincts voting at each polling place, but the statement need  
5 22 not set forth any fact which is apparent from the portion of  
5 23 the ballot appearing as a part of the same notice. The notice  
5 24 shall include the full text of all public measures to be voted  
5 25 upon at the election.

5 26 Sec. 14. Section 49.57, subsection 6, Code Supplement  
5 27 2007, is amended to read as follows:  
5 28 6. A portion of the ballot, which can be shown to the  
5 29 precinct officials without revealing any of the marks made by  
5 30 the voter, shall include the words "Official ballot" in upper  
~~5 31 case letters printed in bold type,~~ the unique identification  
5 32 number or name assigned by the commissioner to the ballot  
5 33 style, the date of the election, and a facsimile of the  
5 34 signature of the commissioner who has caused the ballot to be  
5 35 printed pursuant to section 49.51.

6 1 Sec. 15. Section 49.57, Code Supplement 2007, is amended  
6 2 by adding the following new subsection:  
6 3 NEW SUBSECTION. 8. The following headings shall be  
6 4 printed on the ballot, if applicable, in bold type:  
6 5 a. "Voting mark".  
6 6 b. "Optional write-in".  
6 7 c. "Partisan Offices".  
6 8 d. "Straight Party Voting".  
6 9 e. "Other Political Organizations".  
6 10 f. "Federal Offices".  
6 11 g. "State Offices".  
6 12 h. Each office title.

6 13 Sec. 16. NEW SECTION. 49.57A FORM OF OFFICIAL BALLOT ==  
6 14 IMPLEMENTATION BY RULE.  
6 15 The state commissioner shall adopt rules in accordance with  
6 16 chapter 17A to implement sections 49.30 through 49.41, section  
6 17 49.57, and any other provision of the law prescribing the form  
6 18 of the official ballot.

6 19 Sec. 17. Section 49.77, subsection 3, unnumbered paragraph  
6 20 2, Code Supplement 2007, is amended to read as follows:  
6 21 A precinct election official may require of the voter  
6 22 unknown to the official, identification ~~upon which the voter's~~  
~~6 23 signature or mark appears in the form prescribed by the state~~  
~~6 24 commissioner.~~ If identification is established to the  
6 25 satisfaction of the precinct election officials, the person  
6 26 may then be allowed to vote.

6 27 Sec. 18. Section 49.77, subsection 4, paragraph c, Code  
6 28 Supplement 2007, is amended to read as follows:  
6 29 c. A person who has ~~been sent requested~~ an absentee ballot  
6 30 by mail ~~but for any reason has not received it~~ shall be  
6 31 permitted to cast a ballot in person pursuant to section 53.19  
6 32 and in the manner prescribed by section 49.81.

6 33 Sec. 19. Section 49.81, subsection 1, Code 2007, is  
6 34 amended to read as follows:  
6 35 1. A prospective voter who is prohibited under section  
7 1 48A.8, subsection 4, section 49.77, subsection 4, or section  
7 2 49.80 from voting except under this section shall be notified  
7 3 by the appropriate precinct election official that the voter

7 4 may cast a provisional ballot. If a booth meeting the  
7 5 requirement of section 49.25 is not available at that polling  
7 6 place, the precinct election officials shall make alternative  
7 7 arrangements to insure the challenged voter the opportunity to  
7 8 vote in secret. ~~The marked ballot, folded voter shall mark~~  
7 9 ~~the ballot, fold it or enclose it in a secrecy folder as~~  
7 10 ~~required by section 49.84, shall be delivered to a precinct~~  
7 11 ~~election official who shall and immediately seal it in an~~  
7 12 ~~envelope of the type prescribed by subsection 4. The voter~~  
7 13 ~~shall deliver the sealed envelope to a precinct election~~  
7 14 ~~official who shall be deposited deposit it in an envelope~~  
7 15 ~~marked "provisional ballots" and. The ballot shall be~~  
7 16 ~~considered as having been cast in the special precinct~~  
7 17 ~~established by section 53.20 for purposes of the postelection~~  
7 18 ~~canvass.~~

7 19 Sec. 20. Section 49.84, Code 2007, is amended to read as  
7 20 follows:

7 21 49.84 MARKING AND RETURN OF BALLOT.

7 22 1. a. After receiving the ballot, the voter shall  
7 23 immediately go alone to one of the voting booths, and without  
7 24 delay mark the ballot. All voters shall vote in booths. No  
7 25 special lines shall be used to separate voters who state that  
7 26 they wish to vote only a portion of the ballot.

7 27 b. Before leaving the voting booth, the voter shall fold  
7 28 the ballot or enclose it in a secrecy folder to conceal the  
7 29 marks on the ballot. The voter shall deliver the ballot to  
7 30 one of the precinct election officials. No identifying mark  
7 31 or symbol shall be endorsed on the back of the voter's ballot.  
7 32 If the precinct has a portable ~~vote tallying tabulating~~ system  
7 33 which will not permit more than one ballot to be inserted at a  
7 34 time, the voter may insert the ballot into the tabulating  
7 35 device; otherwise, the election official shall place the  
8 1 ballot in the ballot box.

8 2 2. This section does not prohibit a voter from taking  
8 3 minor children into the voting booth with the voter.

8 4 Sec. 21. Section 52.7, subsection 1, unnumbered paragraph  
8 5 1, Code Supplement 2007, is amended to read as follows:

8 6 A voting machine approved by the state board of examiners  
8 7 for voting ~~machines and optical scan voting~~ systems shall be  
8 8 so constructed as to do all of the following:

8 9 Sec. 22. Section 52.10, Code 2007, is amended to read as  
8 10 follows:

8 11 52.10 VOTING MACHINE BALLOTS == FORM.

~~8 12 All ballots on voting machines shall be printed in black~~  
~~8 13 ink on clear, white material, of such size as will fit the~~  
~~8 14 ballot frame, and in as plain, clear type as the space will~~  
~~8 15 reasonably permit. The party name for each political party~~  
~~8 16 represented on the machine shall be prefixed to the list of~~  
~~8 17 candidates of such party. The order of the list of candidates~~  
~~8 18 of the several parties or organizations shall be arranged as~~  
~~8 19 provided display the offices, candidates, and questions in the~~  
~~8 20 format described in sections 49.30 to 49.42A, except that the~~  
~~8 21 lists may be arranged in horizontal rows or vertical columns~~  
~~8 22 to meet the physical requirements of the voting machine used~~  
8 23 through 49.41 and section 49.57.

8 24 Sec. 23. Section 52.25, unnumbered paragraph 2, Code  
8 25 Supplement 2007, is amended to read as follows:

8 26 The entire convention question, amendment, or public  
8 27 measure shall be printed and displayed prominently in at least  
8 28 four places within the voting precinct, and inside each voting  
8 29 booth, the printing to be in conformity with the provisions of  
8 30 chapter 49. The question, amendment, or measure, and  
8 31 summaries thereof, shall be printed on the ~~special paper~~  
8 32 ~~ballots or on the inserts used in the voting machines.~~ In no  
8 33 case shall the font size be less than ten point type. The  
8 34 public measure shall be summarized by the commissioner, except  
8 35 that:

9 1 Sec. 24. Section 52.41, Code 2007, is amended to read as  
9 2 follows:

9 3 52.41 ELECTRONIC TRANSMISSION OF ELECTION RESULTS.

9 4 With the advice of the board of examiners for voting  
9 5 ~~machines and electronic voting~~ systems, the state commissioner  
9 6 shall adopt by rule standards for the examination and testing  
9 7 of devices for the electronic transmission of election  
9 8 results. All voting systems which contain devices for the  
9 9 electronic transmission of election results submitted to the  
9 10 examiners for examination and testing after July 1, 2003,  
9 11 shall comply with these standards.

9 12 Sec. 25. Section 53.18, subsection 2, Code Supplement  
9 13 2007, is amended to read as follows:

9 14 2. If the commissioner receives the return carrier

9 15 envelope containing the completed absentee ballot by five p.m.  
9 16 on the Saturday before the election for general and primary  
9 17 elections and by five p.m. on the Friday before the election  
9 18 for all other elections, the commissioner shall open the  
9 19 envelope to review the affidavit for any deficiencies. If the  
9 20 affidavit contains a deficiency that would cause the ballot to  
9 21 be rejected, the commissioner shall, within twenty-four hours  
9 22 of the time the envelope was received, notify the voter of  
9 23 that fact and that the voter may correct the deficiency in  
9 24 person at the office of the commissioner by five p.m. on the  
9 25 day before the election or by applying for and voting a  
9 26 replacement ballot in the manner and within the time period  
9 27 provided in subsection 3 or by appearing at the voter's  
9 28 precinct polling place on election day and casting a ballot in  
9 29 accordance with section 49.81.

9 30 Sec. 26. Section 53.40, subsection 1, paragraph c, Code  
9 31 Supplement 2007, is amended to read as follows:  
9 32 c. A request shall show the residence (including street  
9 33 address, if any) of the voter, and the age of the voter, and  
9 34 length of residence in the city or township, county and state,  
9 35 and shall designate the address to which the ballot is to be  
10 1 sent, and in the case of the primary election, the party  
10 2 affiliation of such voter. Such request shall be made to the  
10 3 commissioner of the county of the voter's residence, provided  
10 4 that if the request is made by the voter to any elective  
10 5 state, city or county official, the said official shall  
10 6 forward it to the commissioner of the county of the voter's  
10 7 residence, and such request so forwarded shall have the same  
10 8 force and effect as if made direct to the commissioner by the  
10 9 voter.

10 10 Sec. 27. Section 69.8, subsection 2, Code 2007, is amended  
10 11 to read as follows:  
10 12 2. STATE OFFICES. In all state offices, judges of courts  
10 13 of record, officers, trustees, inspectors, and members of all  
10 14 boards or commissions, and all persons filling any position of  
10 15 trust or profit in the state, by the governor, except when  
10 16 some other method is specially provided. An appointment by  
10 17 the governor to fill a vacancy in the office of lieutenant  
10 18 governor shall be for the balance of the unexpired term. An  
10 19 appointment made under this subsection to a state office  
10 20 subject to section 69.13 shall be for the period until the  
10 21 vacancy is filled by election pursuant to law.

10 22 Sec. 28. Section 275.18, unnumbered paragraph 3, Code  
10 23 2007, is amended to read as follows:  
10 24 The area education agency administrator shall furnish to  
10 25 the commissioner a map of the proposed reorganized area which  
10 26 must be approved by the commissioner as suitable for posting.  
10 27 The map shall be displayed prominently in at least four places  
10 28 within the voting precinct, and inside each voting booth, ~~or~~  
10 29 ~~on the left-hand side inside the curtain of each voting~~  
10 30 ~~machine.~~

10 31 Sec. 29. Section 275.55, unnumbered paragraph 1, Code  
10 32 2007, is amended to read as follows:  
10 33 The board of the school district shall call a special  
10 34 election to be held not later than ~~forty~~ sixty days following  
10 35 the date of the final hearing on the dissolution proposal.  
11 1 The special election may be held at the same time as the  
11 2 regular school election. The proposition submitted to the  
11 3 voters residing in the school district at the special election  
11 4 shall describe each separate area to be attached to a  
11 5 contiguous school district and shall name the school district  
11 6 to which it will be attached. In addition to the description,  
11 7 a map may be included in the summary of the question on the  
11 8 ballot.

11 9 Sec. 30. Section 277.2, Code 2007, is amended to read as  
11 10 follows:  
11 11 277.2 SPECIAL ELECTION.  
11 12 The board of directors in a school corporation may call a  
11 13 special election at which the voters shall have the powers  
11 14 exercised at the regular election with reference to the sale  
11 15 of school property and the application to be made of the  
11 16 proceeds, the authorization ~~of seven~~ to change the number of  
11 17 members on the board of directors to either five or seven, the  
11 18 authorization to establish or change the boundaries of  
11 19 director districts change the method of electing directors,  
11 20 the authorization to establish an instructional support  
11 21 program, the authorization to establish an educational  
11 22 improvement program, and the authorization of a voter-approved  
11 23 physical plant and equipment levy or indebtedness, as provided  
11 24 by law.

11 25 Sec. 31. Section 294.8, Code 2007, is amended to read as

11 26 follows:

11 27 294.8 PENSION SYSTEM.

11 28 Any school district located in whole or in part within a  
11 29 city having a population of twenty-five thousand one hundred  
11 30 or more may establish a pension and annuity retirement system  
11 31 for the public school teachers of such district ~~provided said~~  
~~11 32 system.~~ However, in cities having a population less than  
11 33 seventy-five thousand, establishment of the system shall be  
11 34 ratified by a vote of the people at a general regular school  
11 35 election.

12 1 Sec. 32. Section 301.24, Code 2007, is amended to read as  
12 2 follows:

12 3 301.24 PETITION == ELECTION.

12 4 Whenever a petition signed by one hundred eligible electors  
12 5 residing in the school district or a number of eligible  
12 6 electors residing in the school district equal to at least ten  
12 7 percent of the number of voters in the last preceding regular  
12 8 school election, whichever is greater, is filed with the  
12 9 secretary ~~thirty~~ sixty days or more before the regular school  
12 10 election, asking that the question of providing free textbooks  
12 11 for the use of pupils in the school district's attendance  
12 12 centers be submitted to the voters at the next regular school  
12 13 election, the secretary shall cause notice of such proposition  
12 14 to be given in the notice of such election.

12 15 Sec. 33. Section 331.201, subsection 3, Code 2007, is  
12 16 amended to read as follows:

12 17 3. The office of supervisor is an elective office except  
12 18 that if a vacancy occurs on the board, a successor ~~shall~~ may  
12 19 be appointed to the unexpired term as provided in ~~chapter 69~~  
12 20 section 69.14A.

12 21 Sec. 34. Section 372.13, subsection 2, paragraph b,  
12 22 unnumbered paragraph 1, Code Supplement 2007, is amended to  
12 23 read as follows:

12 24 By a special election held to fill the office for the  
12 25 remaining balance of the unexpired term. If the council opts  
12 26 for a special election or a valid petition is filed under  
12 27 paragraph "a", the special election may be held concurrently  
12 28 with any pending election as provided by section 69.12 if by  
12 29 so doing the vacancy will be filled not more than ninety days  
12 30 after it occurs. Otherwise, a special election to fill the  
12 31 office shall be called by the council at the earliest  
12 32 practicable date. The council shall give the county  
12 33 commissioner at least thirty-two days' written notice of the  
12 34 date chosen for the special election. The council of a city  
12 35 where a primary election may be required shall give the county  
13 1 commissioner at least sixty days' written notice of the date  
13 2 chosen for the special election. A special election held  
13 3 under this subsection is subject to sections 376.4 through  
13 4 376.11, but the dates for actions in relation to the special  
13 5 election shall be calculated with regard to the date for which  
13 6 the special election is called. However, a nomination  
13 7 petition must be filed not less than twenty-five days before  
13 8 the date of the special election and, where a primary election  
13 9 may be required, a nomination petition must be filed not less  
13 10 than ~~fifty-two~~ fifty-three days before the date of the special  
13 11 election.

13 12 Sec. 35. Section 373.6, subsection 1, Code 2007, is  
13 13 amended to read as follows:

13 14 1. If a proposed charter for consolidation is received not  
13 15 later than ~~sixty~~ seventy-eight days before the next general  
13 16 election, the council of the participating city with the  
13 17 largest population shall, not later than sixty-nine days  
~~13 18 before the general election,~~ direct the county commissioner of  
13 19 elections to submit to the registered voters of the  
13 20 participating cities at the next general election the question  
13 21 of whether the proposed charter shall be adopted. A summary  
13 22 of the proposed charter shall be published in a newspaper of  
13 23 general circulation in each city participating in the charter  
13 24 commission process at least ten but not more than twenty days  
13 25 before the date of the election. The proposed charter shall  
13 26 be effective in regard to a city only if a majority of the  
13 27 electors of the city voting approves the proposed charter.

13 28 Sec. 36. Section 376.4, Code 2007, is amended to read as  
13 29 follows:

13 30 376.4 CANDIDACY.

13 31 1. a. An eligible elector of a city may become a  
13 32 candidate for an elective city office by filing with the city  
13 33 clerk a valid petition requesting that the elector's name be  
13 34 placed on the ballot for that office. The petition must be  
13 35 filed not more than seventy-one days and not less than  
14 1 forty-seven days before the date of the election, and must be

14 2 signed by eligible electors equal in number to at least two  
14 3 percent of those who voted to fill the same office at the last  
14 4 regular city election, but not less than ten persons.  
14 5 However, for those cities which may be required to hold a  
14 6 primary election, the petition must be filed not more than  
14 7 eighty-five days and not less than sixty-eight days before the  
14 8 date of the regular city election. ~~A person may sign  
14 9 nomination petitions for more than one candidate for the same  
14 10 office, and the signature is not invalid solely because the  
14 11 person signed nomination petitions for one or more other  
14 12 candidates for the office.~~ Nomination petitions shall be  
14 13 filed not later than five o'clock p.m. on the last day for  
14 14 filing.

14 15 b. The petitioners for an individual seeking election from  
14 16 a ward must be residents of the ward at the time of signing  
14 17 the petition. An individual is not eligible for election from  
14 18 a ward unless the individual is a resident of the ward at the  
14 19 time the individual files the petition and at the time of  
14 20 election.

14 21 2. a. The petition must include space for the signature  
14 22 signatures of the petitioners, a statement of their place of  
14 23 residence, and the date on which they signed the petition. A  
14 24 person may sign nomination petitions for more than one  
14 25 candidate for the same office, and the signature is not  
14 26 invalid solely because the person signed nomination petitions  
14 27 for one or more other candidates for the office.

14 28 b. The petition must include the affidavit of the  
14 29 individual for whom it is filed, stating the individual's  
14 30 name, the individual's residence, that the individual is a  
14 31 candidate and eligible for the office, and that if elected the  
14 32 individual will qualify for the office. The affidavit shall  
14 33 also state that the candidate is aware that the candidate is  
14 34 disqualified from holding office if the candidate has been  
14 35 convicted of a felony or other infamous crime and the  
15 1 candidate's rights have not been restored by the governor or  
15 2 by the president of the United States.

15 3 3. If the city clerk is not readily available during  
15 4 normal office hours, the city clerk shall designate other  
15 5 employees or officials of the city who are ordinarily  
15 6 available to accept nomination papers under this section. On  
15 7 the final date for filing nomination papers the office of the  
15 8 city clerk shall remain open until five p.m.

15 9 4. The city clerk shall review each petition and affidavit  
15 10 of candidacy for completeness following the standards in  
15 11 section 45.5 and shall accept the petition for filing if on  
15 12 its face it appears to have the requisite number of signatures  
15 13 and if it is timely filed. The city clerk shall note upon  
15 14 each petition and affidavit accepted for filing the date and  
15 15 time that they were filed. The clerk shall return any  
15 16 rejected nomination papers to the person on whose behalf the  
15 17 nomination papers were filed.

15 18 5. Nomination papers filed with the city clerk shall be  
15 19 available for public inspection. The city clerk shall deliver  
15 20 all nomination petitions papers together with the text of any  
15 21 public measure being submitted by the city council to the  
15 22 electorate to the county commissioner of elections not later  
15 23 than five o'clock p.m. on the day following the last day on  
15 24 which nomination petitions can be filed.

15 25 6. Any person on whose behalf nomination petitions have  
15 26 been filed under this section may withdraw as a candidate by  
15 27 filing a signed statement to that effect as prescribed in  
15 28 section 44.9. Objections to the legal sufficiency of  
15 29 petitions shall be filed in accordance with the provisions of  
15 30 sections 44.4, 44.5, and 44.8.

15 31 Sec. 37. Sections 43.26, 49.35, 49.42A, and 52.18, Code  
15 32 2007, are repealed.

#### 15 33 EXPLANATION

15 34 This bill makes technical and corrective changes to the law  
15 35 relating to elections and voter registration.

16 1 Code sections 2.27, 43.77, and 69.8 are amended to reflect  
16 2 the 1988 amendment to the Constitution of the State of Iowa  
16 3 requiring that the governor and lieutenant governor be elected  
16 4 jointly and to specify that a vacancy in the office of  
16 5 lieutenant governor is to be filled by appointment by the  
16 6 governor and the appointment is for the balance of the  
16 7 unexpired term.

16 8 Code section 43.4 is amended to require that the county  
16 9 commissioner of elections retain caucus records for two years.  
16 10 The Code section is further amended to require the chairperson  
16 11 of the county central committee, within 14 days after the date  
16 12 of the precinct caucus, to deliver to the county commissioner

16 13 all completed voter registration forms received at the caucus.  
16 14 Current law provides that it is election misconduct in the  
16 15 third degree, a serious misdemeanor, if a party committee  
16 16 member neglects to perform a statutory duty relating to a  
16 17 precinct caucus. A serious misdemeanor is punishable by  
16 18 confinement for no more than one year and a fine of at least  
16 19 \$315 but not more than \$1,875.

16 20 Code section 43.5 is amended to add Code chapter 39A,  
16 21 relating to election misconduct, to the list of Code chapters  
16 22 applicable to primary elections.

16 23 Code sections 43.26 and 49.42A, which illustrate the format  
16 24 of the official primary and general election ballots, are  
16 25 repealed. Code sections 49.37 and 49.57 are amended to  
16 26 specify requirements relating to ballot format and the method  
16 27 and style of printing ballots, and new Code sections 43.31 and  
16 28 49.57A are enacted to require the state commissioner of  
16 29 elections to adopt administrative rules implementing ballot  
16 30 format and printing requirements.

16 31 Code section 44.5 is amended to provide that a hearing on  
16 32 an objection to a nomination shall be held not later than one  
16 33 week after the objection is filed.

16 34 Code section 45.1 is amended to specify the same residency  
16 35 requirements of signers of nomination petitions for  
17 1 congressional candidates as are required for nomination  
17 2 petitions for all other elective offices.

17 3 Code section 48A.2 is amended to change the definition of  
17 4 "voter registration form" to specify that the form may be used  
17 5 to make changes in an existing registration in addition to  
17 6 being an application to register to vote.

17 7 Code section 48A.25A is amended to comply with the federal  
17 8 Help America Vote Act requirement that identification numbers  
17 9 on all voter registration applications be verified and not  
17 10 just those received by mail.

17 11 Code section 48A.37 is amended to provide that for purposes  
17 12 of the history of local election participation that is  
17 13 recorded as part of the voter registration records maintained  
17 14 by the county commissioner, a person shall be recorded as  
17 15 having voted if a person cast a ballot for an election and the  
17 16 ballot was counted.

17 17 Code sections 49.25, 52.7, and 52.41 are amended to change  
17 18 the name of the board of examiners for voting machines and  
17 19 optical scan voting systems to the board of examiners for  
17 20 voting systems to conform to the change in terminology that  
17 21 was enacted in 2007. Code sections 49.25 and 49.84 are  
17 22 amended to change the term "vote tallying" to "tabulating" to  
17 23 be consistent with other uses of that term in the Code.

17 24 Code section 49.53 is amended to strike a reference to  
17 25 early ballot pick-up sites. With the repeal in 2007 of  
17 26 authorization to establish counting centers, early ballot  
17 27 pickup is no longer necessary.

17 28 Code section 49.77 is amended to require the same type of  
17 29 identification to be shown by a voter when the voter's name is  
17 30 not on the election register as an active voter or when the  
17 31 voter is unknown to an election official. The Code section is  
17 32 also amended to generally refer to when a person who has  
17 33 requested an absentee ballot may cast a provisional ballot.

17 34 Code section 49.81 is amended to clarify the process of  
17 35 voting a provisional ballot.

18 1 Code sections 52.10, 52.25, and 275.18 are amended, and  
18 2 Code sections 49.35 and 52.18 are repealed, to eliminate  
18 3 references to lever voting machines, which are no longer used  
18 4 in Iowa. Code section 52.25 is also amended to refer to  
18 5 ballots generally rather than to special paper ballots.

18 6 Code section 53.18 is amended to allow an absentee voter to  
18 7 correct a deficiency on an affidavit by applying for and  
18 8 voting a replacement absentee ballot in addition to correcting  
18 9 the deficiency in person at the commissioner's office. The  
18 10 section is also amended to specify that if the voter has not  
18 11 corrected the deficiency in person or by voting a replacement  
18 12 absentee ballot, the voter may cast a provisional ballot at  
18 13 the polls.

18 14 Code section 53.40, relating to an absentee ballot request  
18 15 from a person in the armed forces, is amended to strike the  
18 16 requirement that the request include information on the length  
18 17 of residency in the city or township, county, and state  
18 18 because the federal application form does not include a space  
18 19 for that information.

18 20 Code section 275.55 is amended to provide that a special  
18 21 election on a proposal for dissolution of a school district  
18 22 shall be held no later than 60 days following the public  
18 23 hearing on the proposal. Currently, the election is required

18 24 to be held no later than 40 days following the public hearing.  
18 25 Code section 277.2, regarding school district special  
18 26 election propositions, is amended to add those propositions  
18 27 that are authorized elsewhere in the Code and to specify that  
18 28 one of the authorizations is to change the method of electing  
18 29 school district boards of directors.  
18 30 Code section 294.8 is amended to provide that certain  
18 31 elections held on school pension systems shall be held at the  
18 32 regular school election rather than the general election.  
18 33 Code section 301.24 changes the deadline for submitting a  
18 34 petition requesting that the proposition to distribute free  
18 35 textbooks in a school district be placed on the regular school  
19 1 election ballot. The current deadline of 30 days before the  
19 2 election is changed to 60 days before the election.  
19 3 Code section 331.201, relating to a vacancy in the office  
19 4 of county supervisor, is amended to specifically refer to Code  
19 5 section 69.14A, rather than generally to Code chapter 69.  
19 6 Code section 372.13, relating to special elections to fill  
19 7 a city council vacancy, is amended to change the filing  
19 8 deadline for nomination petitions in cities with a primary  
19 9 election from 52 days before the election to 53 days before  
19 10 the election in order to avoid the deadline falling on a  
19 11 Saturday.  
19 12 Code section 373.6, relating to metropolitan consolidation  
19 13 charters, is amended to change the filing deadline for  
19 14 submission of the charter at a general election to no later  
19 15 than 69 days before the election, which is the same as the  
19 16 filing deadline for offices to be filled at the general  
19 17 election.  
19 18 Code section 376.4 is amended to clarify the process of  
19 19 city clerks accepting and reviewing candidate nomination  
19 20 papers filed for city office.  
19 21 LSB 5418SV 82  
19 22 sc/nh/5